

10/538934

10/538934 PTO 13 JUN 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Alexander GOLITSCHKE EDLER VON ELBWART, et al.

Application No.: New PCT National Stage Application

Filed: June 13, 2005

For: METHOD AND APPARATUS FOR TRANSMITTING DATA IN A
DIVERSITY COMMUNICATION SYSTEM EMPLOYING
CONSTELLATION REARRANGEMENT WITH QPSK MODULATION

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, DC 20231

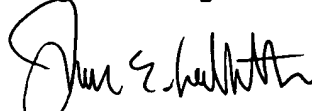
Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the references listed on the attached Form PTO 1449. All of these references were cited in a PCT International Search Report (copy attached). The year of publication of the "Digital Communication Through Fading Multipath Channels" document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106.

Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: June 13, 2005

JEL/spp

ATTORNEY DOCKET NO. L7725.05107

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FORM PTO-1449 U.S. Department of Commerce
(Rev. 4/92) Patent and Trademark Office

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

ATTY. DOCKET NO.

L7725.05107

SERIAL NO.

10/538934
New PCT Nat'l Stage
Application

APPLICANT

A. G.E.V. ELBWART, et al.

FILING DATE

June 13, 2005

GROUP

Unassigned

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|------|------|-------|----------|-------------------------------|
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FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|-----------------|---------|---------|-------|----------|-------------|----|
| | | | | | YES | NO |
| 0 2 0 6 7 4 9 1 | 08/2002 | WO | | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

PCT International Search Report dated September 8, 2003.

J. G. PROAKIS: "Digital Communication Through Fading Multipath Channels," 3rd Edition, ISBN 0-07-113814-5, 1995, XP002250660, page 777.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.